## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:11-CV-00191-D

TERESA SHIELDS-ROBERSON,	)
Plaintiff,	)
v.	ORDER
NANCY A. BERRYHILL, Acting Commissioner of Social Security,	) )
Defendant.	· )

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$8,201.75. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b).

Defendant filed a response, stating that under <u>Gisbrecht v. Barnhart</u>, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 8,201.75, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED. This 10 day of October 2017.

AMES C. DEVER III

Chief United States District Judge